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NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SERVICE EMPLOYEES INTERNATIONAL)
UNION LOCAL 715)

Petitioner,

v.

STANFORD HOSPITAL AND CLINICS AND)
LUCILE PACKARD CHILDREN'S)
HOSPITAL,)

Respondents.)

No. C 08 0216
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED

[CIVIL L.R. 3-12]

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Pursuant to Civil Local Rule 3-12, Petitioner Service Employees International Union, Local 715 ("Local 715" or the "Union") files this Administrative Motion to Consider Whether Cases Should Be Related. Local 715 believes that the instant case is related to the case referenced below, which is currently pending before the District Court Judge Maxine Chesney. Both cases involve the same parties, the same Collective Bargaining Agreement, and substantially the same legal issues as the instant case.

1. Related Case.

The instant matter is related to *Stanford Hospital and Clinics and Lucile Packard Children's Hospital v. Service Employees International Union, Local 715*, Case No. C-07-5158-

1 MMC, currently pending before District Court Judge Maxine Chesney.

2 **2. Relationship of the Actions.**

3 The instant matter and the matter before Judge Chesney are related as defined by Civil
4 Local Rule 3-12(a) in that they involve substantially the same parties, labor agreement, and
5 questions of law.

6 Both actions involve the same parties and same Collective Bargaining Agreement ("CBA").
7 In the instant case, Stanford Hospital and Clinics and Lucile Packard Children's Hospital (the
8 "employer") has refused to arbitrate a grievance pursuant to the parties' CBA. Thus, Local 715
9 brings the instant action in effort to obtain an order from the Court compelling the employer to
10 arbitrate the Union's grievance pursuant the grievance/arbitration provisions of the parties' CBA.
11 In the case before Judge Chesney, the employer is seeking an Order vacating an arbitration award
12 which it lost and, consequently, has failed and refused to comply with.

13 The legal issues are substantially the same, and if the cases are heard by different judges,
14 there will be an unduly burdensome duplication of both labor and expenses, and the possibility of
15 conflicting results. Both cases are brought pursuant to Section 301 of the Labor Management
16 Relations Act of 1947 ("LMRA"), 29 U.S.C. § 185(a). In addition, both cases involve the
17 substantially the same legal issues. In the present case, the employer has indicated that it has no
18 intent in arbitrating the instant dispute because it does not believe that an arbitrator has the
19 authority to decide such matters. Likewise, in the matter before Judge Chesney, the employer
20 makes similar legal arguments as to why the arbitrator's award, in that case, should be vacated.
21 For example, the employer argues that the arbitrator lacked authority to decide the issue submitted
22 to him.

23 Accordingly, because it appears likely that there will be an unduly burdensome duplication
24 of labor and expense, and/or conflicting results if the cases are conducted before different judges.
25 This is primarily because both cases involve substantially the same parties and questions of law.

26 **3. Assignment of the Actions.**

27 Local 715 believes that the assignment of the action to Judge Chesney will conserve
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1 judicial resources and promote an efficient determination of the actions. The matter assigned to
2 Judge Chesney was filed first in order; therefore, relating the cases before Judge Chesney is
3 appropriate.

4 **4. Conclusion.**

5 For the reasons stated above, Local 715 respectfully requests that a related case order be
6 entered respecting this new case listed above.

7 Dated: January 11, 2008

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